

ARKANSAS SUPREME COURT

No. CR 06-1263

LESLIE A. YOUNG
Appellant

v.

STATE OF ARKANSAS
Appellee

Opinion Delivered May 17, 2007

PRO SE MOTION FOR
PHOTOCOPIES OF MATERIALS AT
PUBLIC EXPENSE [CIRCUIT
COURT OF SHARP COUNTY, CR
2006-6, HON. HAROLD S. ERWIN,
JUDGE]

MOTION DENIED.

PER CURIAM

Appellant Leslie A. Young was convicted of capital murder, aggravated robbery, attempted arson, and two counts of theft of property and sentenced to an aggregate term of life without parole plus fifty-three years' imprisonment in the Arkansas Department of Correction. Counsel representing appellant has lodged an appeal of the judgment in this court, and briefs have been filed. Now before us is appellant's pro se motion requesting copies of all materials in her case file. In her motion, appellant indicates that she is indigent and without funds to pay copying fees.

Appellant indicates that she needs these materials "to prepare proceeding appeals" without being more specific as to either what proceedings are referenced or why these materials are necessary. A petitioner is not entitled to photocopying at public expense unless he or she demonstrates some compelling need for *specific* documentary evidence to support an allegation contained in a petition for postconviction relief. *Moore v. State*, 324 Ark. 453, 921 S.W.2d 606 (1996) (per curiam); *see also Austin v. State*, 287 Ark. 256, 697 S.W.2d 914 (1985) (per curiam).

Indigency alone does not entitle a petitioner to free photocopying. *Washington v. State*, 270 Ark. 840, 606 S.W.2d 365 (1980) (per curiam).

Appellant is represented by counsel in her appeal now pending. An appellant is not entitled to accept appointment of counsel to represent her, and also proceed pro se. *Hamilton v. State*, 348 Ark. 532, 74 S.W.3d 615 (2002). She does not, therefore, require the materials in preparation for any pleadings concerning her direct appeal, as her attorney has access to the record. Appellant makes no reference to a need for documentary evidence to support a specific allegation in a postconviction proceeding, or even that a postconviction proceeding is available to her. Because appellant has offered nothing to demonstrate that photocopies of the materials on file with this court should be provided to her at no cost, we must deny the motion.

It should be noted that when an original action has been filed in this court, the material pertaining to it remains permanently on file with the clerk, unless it is being maintained under seal. Persons may review the material in the clerk's office and photocopy all or portions of it. An incarcerated person desiring a photocopy of material on file here may write this court, remit the photocopying fee, and request that the copy be mailed to the prison. All persons, including prisoners, must bear the cost of photocopying. *Moore*, 324 Ark. at 455, 921 S.W.2d at 607.

Motion denied.